

RULES AND REGULATIONS

The Board recognizes that there is no justification for permitting a small quantity of a class B poison in a motor vehicle carrying foodstuffs while the same quantity of class B poison would be barred from a railroad car carrying foodstuffs. The Board is presently reconsidering in toto the authorized small quantity exemptions and intends to include this item for consideration in that study.

One commenter suggested that the rule could be averted by shippers who fail to mark the edible nature of the contents on the package and by originating carriers who fail to carry forward the "poison" notation on the interchange forms. The Board recognizes that these restrictions are not foolproof and that the effectiveness of its regulation is directly related to the ease of identifying foodstuffs. However, as indicated above, solution of this problem is to some extent outside the scope of the Board's authority. This rule, as is any rule, is effective only if complied with. That persons may render regulations ineffective by ignoring them is not valid reason against regulating.

One commenter stated that both the present rule and the proposed changes would disrupt the marketing and distribution of class B poisons by grocery warehouses that reship along with edibles. This commenter made this same point earlier with respect to the Board's first action in this regard in December 1967. The present regulation has been in effect now for over 18 months and the Board has received no evidence that commerce of any kind has been adversely affected thereby to any significant degree. Nor has the Board received any specific evidence that this amendment will have such an effect. Therefore, the Board must conclude that neither the present rule nor the changes adopted herein will adversely affect the grocery industry in the United States.

In consideration of the foregoing, 49 CFR Parts 174, 175, and 177, are amended as follows:

I. Part 174 is amended as follows:

(A) In § 174.532 paragraph (m) is amended to read as follows:

§ 174.532 Loading other dangerous articles.

(m) Material marked as or known to be poison (class A or B) must not be transported in the same car with material which is marked as or known to be foodstuffs, feeds, or any other edible material intended for consumption by humans or animals.

(B) In § 174.566 paragraph (a) (1) is amended to read as follows:

§ 174.566 Cleaning cars.

(a) * * *

(1) A car which has been used to transport material marked as or known to be poison (class A or B) must be inspected for contamination before reuse. A car which has been contaminated must not be returned to service until such contamination has been removed. This subparagraph does not apply to cars used solely for transporting such poisons so long as they are used in that service.

II. Part 175 is amended as follows:

(A) In § 175.655 paragraph (k) and (l) are amended to read as follows:

§ 175.655 Protection of packages.

(k) Material marked as or known to be poison (class A or B) must not be transported in the same car with material which is marked as or known to be foodstuffs, feeds, or any other edible material intended for consumption by humans or animals.

(l) A car which has been used to transport material marked as or known to be poison (class A or B) must be inspected for contamination and must not be returned to service until such contamination has been removed.

III. Part 177 is amended as follows:

(A) In § 177.841 paragraph (e) is amended to read as follows:

§ 177.841 Poisons.

(e) Material marked as or known to be poison (class A or B) must not be transported in the same vehicle with material which is marked as or known to be foodstuffs, feeds, or any other edible material intended for consumption by humans or animals.

(B) In § 177.860 paragraph (a) (1) is amended to read as follows:

§ 177.860 Accidents or leakage; poisons.

(a) * * *

(1) *Leakage.* A vehicle which has been used to transport material marked as or known to be poison (class A or B) must be inspected for contamination before reuse. A vehicle which has been contaminated must not be returned to service until such contamination has been removed. This subparagraph does not apply to vehicles used solely for transporting such poisons so long as they are used in that service.

These amendments are effective December 30, 1969.

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430, 1472(h))

Issued in Washington, D.C., on November 17, 1969.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.

F. C. TURNER,
Federal Highway Administrator.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

[F.R. Doc. 69-13846; Filed, Nov. 20, 1969; 8:46 a.m.]

[Docket No. HM-25; Amdt. 178-8]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Special Composite Package for Electrolyte (Acid) or Alkaline Corrosive Battery Fluid

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to au-

thorize a new type of composite package comprised of a specification 12B fiberboard box and an inside plastic bag for electrolyte acid or alkaline corrosive battery fluid.

On May 28, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-25; Notice No. 69-15 (34 F.R. 8245) which proposed an amendment of 49 CFR 178.205-37 (Specification 12B fiberboard box) to specify packaging requirements for electrolyte (acid) or alkaline corrosive battery fluid consistent with the terms of special permits in existence for several years.

Interested persons were afforded an opportunity to participate in this rule making. Of the comments received, no objections were taken to the basic proposal. One commenter took exception to the requirement of a top and bottom pad for regular slotted style boxes having capacities of 6 quarts or less on the premise that the special permit issued to him by the Department contained no such requirements. The commenter stated that many millions of units of 6 quarts capacity or less have been shipped without pads and with good experience. Reports of shipping experience under the provisions of this permit have been reviewed and the Board has determined that the experience has been satisfactory. In view of this and in view of the requirement specifying fiberboard having strength greater than that prescribed for general application in § 178.205-16, the Board is withdrawing the requirement for top and bottom pads in regular slotted style boxes having capacities of 6 quarts or less.

Another commenter expressed concern over what material would be considered equivalent to fiberboard pads having at least 200 pound test and thus meet the equivalency proviso set forth in proposed § 178.205-37(b) (1) and (2). It was the Board's intent to allow the use of pads made not only of fiberboard but also of other material such as chipboard having the same protective capability as fiberboard. The proposal was vague in this respect and has been clarified in the amendment.

In consideration of the foregoing, 49 CFR Part 178 is amended as follows:

In § 178.205-37 paragraphs (a), (b), (c) (1) and (2) are amended to read as follows:

§ 178.205 Specification 12B; fiberboard boxes.

§ 178.205-37 Special box; authorized polyethylene or other suitable plastic bags for packaging of electrolyte (acid) or alkaline corrosive battery fluid only.

(a) Box must comply with this specification except as follows: Box must be one-piece construction of slotted style and may have die-cut areas of minimum size to provide access to an inside closure part. Box must have two polyethylene or other suitable plastic bags, one within the other, and a closure adequate to prevent leakage under conditions incident to transportation. Each bag must be formed from tubing of virgin plastic material not

less than 0.003-inch thick with joints heat sealed.

(b) Boxes must be center special slotted style, or regular slotted style. If any metal is used in the box construction, full liners and top and bottom pads are required. Any metal closure for a discharge tube must be installed so as to prevent contact with the polyethylene bag. Discharge tubes must be plugged or heat sealed. Maximum volumetric capacity must not exceed 5 gallons (nominal).

(1) For boxes having capacities of 6 quarts (nominal) or less, fiberboard of at least 200-pound test is required for construction.

(2) For boxes having capacities in excess of 6 quarts, fiberboard of at least 350-pound test is required. Pads are required for regular slotted style boxes and must be of fiberboard of at least 350-pound test or other material that will provide equivalent protection.

(c) * * *

(1) Box with inside container filled to shipping capacity with a solution which is compatible with the plastic bags must be dropped twice from a height of 4 feet onto concrete, one drop to be made with the box positioned so as to strike flat on the box bottom, the other drop to be made so box will strike flat on the largest face.

(2) Box with inside container filled to shipping capacity with a solution which is compatible with the plastic bags, and remains liquid at 0° F. or lower shall be dropped once from a height of 4 feet onto concrete, when container and contents are at or below 0° F. Box shall be positioned so as to strike flat on the box bottom.

This amendment is effective November 30, 1969. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430, 1472(h))

Issued in Washington, D.C., on November 17, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.

F. C. TURNER,
Federal Highway Administrator.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

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Chapter II—Federal Railroad Administration, Department of Transportation

[Docket No. FRA-LI-1]

PART 230—LOCOMOTIVE INSPECTION

Multiple Operated Electric Units

On pages 14767 and 15845 of the FEDERAL REGISTERS of September 25, 1969, and October 15, 1969, respectively, there were published notices of proposed rule making to amend §§ 230.401(b), 230.406, and 230.442(b) pertaining to multiple-operated electric units. Interested persons were given until November 1, 1969, in which to submit such written data, views, or arguments regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

Effective date. This regulation shall be effective as of December 21, 1969.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

Sections 230.401(b), 230.406, and 230.442(b) are amended to read as follows:

§ 230.401 Responsibility of carrier.

* * * * *

(b) The letter "F" shall be legibly shown on each side of every unit near the end, which, for identification purposes, will be known as the front end. The unit number shall be legibly shown on each side of every unit and shall be shown on the specification Form No. 4-A.

§ 230.406 Testing of main reservoirs.

(a) Every main reservoir before being put into service, and at least once every 24 months thereafter, shall be subjected to hydrostatic pressure not less than 25 percent above the maximum working pressure fixed by the chief mechanical officer, and report made on Form No. 1-A.

(b) The entire surface of each main reservoir shall be hammer tested each time the unit is stopped for general repairs, but not less frequently than once every 24 months, and report made on Form No. 1-A. This test shall be made while reservoir is empty.

(c) Each main reservoir of the type described in the note below hereafter put into service may be drilled over its entire surface with telltale holes, made by

a standard 3/16-inch drill, which holes shall be spaced not more than 12 inches apart, measured both longitudinally and circumferentially and drilled from the outer surface to an extreme depth determined by the formula.

$$D = \frac{0.6PR}{S - 0.6P}$$

where D=extreme depth of telltale holes in inches but in no case less than one-sixteenth inch; P=certified working pressure in pounds per square inch; S=one-fifth of the minimum specified tensile strength of the material in pounds per square inch; and R=inside radius of the reservoir in inches. One row of holes shall be drilled lengthwise of the reservoir on a line intersecting the drain opening. No reservoir so drilled needs to be subjected to the requirement of paragraph (a) or (b), except the requirement for a hydrostatic test before being put in service. Whenever any such telltale hole shall have penetrated the interior of any such reservoir, the reservoir shall be permanently withdrawn from service. At the option of the carrier, such drilling may be applied to any reservoir now in service, in lieu of the tests provided for by paragraphs (a) and (b) of this section, but not without the said hydrostatic test after first being drilled.

NOTE: Paragraph (c) applies only to welded reservoirs originally constructed to withstand at least five times the maximum working pressure fixed by the chief mechanical officer of the railroad desiring to come within the terms of such paragraph.

§ 230.442 Jumpers or cable connections.

* * * * *

(b) Cable connections between units and jumpers that carry current having a potential of 600 volts or more shall be thoroughly cleaned, inspected, and tested as often as conditions require to maintain them in safe and suitable condition for service but not less frequently than every 3 months, by immersing the cable portion in water and subjecting such conductor with another, and with the water, to a difference in potential of not less than one and three-fourths times the normal working voltages for not less than 1 minute. Date and place of inspection and test shall be legibly marked on the jumper or cable or on a tag securely attached thereto.

(Secs. 2, 5, 36 Stat. 913, 914; 45 U.S.C. 23, 28, secs. 6 (e), (f), 80 Stat. 939, 940; 49 U.S.C. 1655)

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